

These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>

Planning & Zoning Commission Meeting
Minutes of April 3, 2013
1st Floor North Conference Room - City Hall

Present: Vice-Chairman Jeremy Goldstein, Kristy Carter, Jim Edmonds, Joe Minicozzi and Holly P. Shriner

Absent: Chairman Nathaniel Cannady and Jane Gianvito Mathews

Pre-Meeting - 4:30 p.m.

Mr. Jim Edmonds, new Commission member, was introduced. Commission members were asked about a request for a project (Chrysler Building) to be heard at their May mid-month meeting. The Commission expressed a willingness to meet; however, Ms. Carter and Mr. Minicozzi have conflicts and Vice-Chairman Goldstein has a conflict of interest and will need to be recused. The Commission also discussed packet distribution. Suggestions were made to e-mail them a pdf of the complete set of plans for a project but only to mail hard copies of the significant sheets (master plan, site plan, elevations, landscaping). It was decided that an e-mail would go out to the Commission asking for clarification on what they want in their formal packets and asking who is willing to pick them up.

Regular Meeting - 5:00 p.m.

Vice-Chairman Goldstein called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Ms. Carter moved to approve the minutes of the March 6, 2013, meeting, with minor amendments. This motion was seconded by Ms. Shriner and carried unanimously by a 4-0 vote (with Mr. Edmonds not voting since this was his first meeting).
- ? Ms. Carter moved to continue the appeal of a minor subdivision for property located at 93 Caledonia Road and 129 Caledonia Road to June 5, 2013. This motion was seconded by Mr. Minicozzi and carried unanimously by a 5-0 vote.

Agenda Items

- (1) **Review of the Level II site plan for the project identified as Isaac Dickson Elementary School located at 125 Hill Street. The project proposes construction of a 75,061 square foot building and site facilities. The property owner is Asheville City School Board and the contact is John Legerton. The property is identified in the Buncombe County Tax records as PIN 9649-00-2655. Planner coordinating review – Jessica Bernstein.**

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that the applicant is requesting review of site plans to construct a new school facility with associated site improvements. This project is a Level II review pursuant to Section 7-5-9(b) of the UDO which designates the process for buildings with square footage between 35,000 – 100,000.

Schools in residential zoning districts are considered a Use By Right, Subject to Special Requirements (USSR), found in Section 7-16-1 of the UDO.

The project site consists of a 19.081 acre parcel located at 125 Hill Street. The site is zoned RM-8 and surrounding properties to the north, west and south are similarly zoned RM-8 with Urban Village immediately adjacent to the east. This site is just south of the Montford neighborhood and is currently the location of the Isaac Dickson Elementary School.

The applicant is proposing to demolish all structures on-site and to construct a new school facility with associated parking and amenities. The new school building is one-story in height (28 feet) and 74,275 square feet. A 786-square foot, single-story green house is also proposed. Cumulative square footage for the project site is 75,061 square feet.

Additional site amenities proposed include community garden space, classroom courtyards and an outdoor kitchen, playground, an amphitheater, active recreation areas (soccer field and basketball court) and passive recreation space (walking trails, open and wooded green space). The site has walkways throughout to provide access to the various use areas.

Access is (and will remain) from three existing driveway locations. The easternmost driveway is primarily for bus access and the southwest driveway, which is a shared access with the adjacent Hill Street Baptist Church, is for parents and visitors intending to access the visitor parking lot. Parent drop off and pick up is from the long driveway from the western end of the site.

There are sidewalks existing along Hill Street and into the site as well as along the secondary driveway access from the west. There is access provided on the site for the pedestrian bridge over Interstate 240 and this will remain. There is a bus stop on Hill Street, west bound, the location of which may shift slightly.

Plans indicate a total of 90 parking spaces on the site (4 handicapped accessible) in a slightly modified layout. Staff parking is along the bus driveway and directly in front of the building (37 spaces for staff), with a separate visitor parking lot (49 spaces – also shared with the adjacent church). Plans provide parking for 20 bikes as well.

Additional landscaping is required on the site and includes a street buffer, street trees, parking lot and building impact landscaping and dumpster screening. Twenty percent of the lot area is required to be designated for open space and the proposal more than complies. Almost four acres (3.95 acres) are designated as open area, but actually significantly more area on the site remains open and qualifies as “open space”. Although there are retaining walls on site, none are taller than six feet so compliance with the UDO is not required.

The project was reviewed by the Technical Review Committee on March 18, 2013, and approved with conditions. This proposal either meets all technical standards as required by the City or appears to have the ability to comply through minor revisions and clarifications. Based on this, staff recommends approval of the site plan and proposed development subject to these conditions.

In response to Ms. Carter, Mr. John Legerton, architect, said that the parking lot in front of school, which is adjacent to the Hill Street Baptist Church, is completely owned by the City Schools and they allow the Church to use that access. They have met with the Church and explained that they will try to maintain that access during construction.

In response to Mr. Edmonds, Mr. Legerton said that the current student capacity at Isaac Dickson is 471 and the new school building will hold 525 students.

Mr. Legerton showed the Commission a short 3-D video of a sketch-up model of the school and the site that gives a better sense of what the school will look like - view from the front of the school; bus and student drop off areas; large community and school playground; large community garden; exterior classrooms; exterior stormwater retention ponds; soccer field; 110

geo-thermal wells which will be heating and cooling the school; nature trail; extensive daylighting; roofing panels that will be funded by a solar developer, etc. He anticipated this being the first net zero LEED platinum school in North Carolina, if not in the southeast.

In response to Mr. Edmonds, Mr. Legerton explained how security design is being worked into the design of the new school.

When Ms. Carter asked about public involvement in the design of the school, Mr. Legerton said they held 65 meetings involving students, parents, teachers, specialists, Hill Street Baptist Church, principals, City Police, security officers assigned to the schools, school research officers, the Housing Authority, two community meetings, Parents Teacher Organization, etc.

In response to Ms. Carter, Mr. Legerton explained the walkable access from Hillcrest Apartments to the school. He said that even though Hillcrest Apartments are very close to Isaac Dickson Elementary School, they would not normally fall under the State guidelines for providing bus service for students; however, the school district does provide that service at their own cost. They have also provided bicycle racks at the front of the school.

When Mr. Minicozzi asked if there are any modifications to the pedestrian bridge over I-240, Mr. Russell Briggs, civil engineer, said that one Technical Review Committee condition was that the bridge be slightly modified with a long sweeping curve from Hill Street for bicycle and pedestrian smooth movement.

In response to Ms. Shriner, Mr. Legerton said that the design team will adjust their parking so it is not within the minimum front setback and also that they will adjust their lighting plan to comply with City standards.

Vice-Chairman Goldstein opened the public hearing at 5:30 p.m.

Mr. Larry James, adjoining property owner, felt that this is a historical area was concerned about (1) the noise of the dumpsters being emptied; (2) the swamp which will draw mosquitoes; (3) the increase number of students in their small area; and (4) noise and traffic during construction. In addition, he felt the school has misused some of the property that was supposed to be used "as a park for the colored children."

Vice-Chairman Goldstein closed the public hearing at 5:34 p.m.

When Ms. Shriner asked about the amount of acreage of the property compared to the footprint of the school, Mr. Legerton said this new building has a very similar footprint as the existing school. There are several amenities that will be accessible to the public, e.g., playground, soccer fields, half-court basketball court, etc. The City Schools also have policies for community use of the media center and auditorium.

Mr. Legerton replied to Ms. Shriner stating that they will adhere to the noise ordinance regarding construction. They will be happy to have their construction manager/general contractor meet with adjoining property owners to address the concerns regarding the construction.

In response to Vice-Chairman Goldstein, Mr. Cynthia Grady, representing Asheville City Schools, was not aware of any deed restrictions that would prohibit the use of the property. Assistant City Attorney Jannice Ashley said that a private property owner could challenge the right for the School to use the property, but the City of Asheville would not be involved.

Mr. Legerton replied to Mr. Minicozzi regarding the location of the dumpsters and that they will be screened per City standards.

Ms. Shriner moved to approve the Level II site plan for the Isaac Dickson Elementary School for the construction of a 75,061 square foot building and site facilities, subject to the conditions outlined by the Technical Review Committee. This motion was seconded by Ms. Carter and carried unanimously on a 5-0 vote.

- (2) Review of a Level II site plan for the project identified as Ingles Markets #3 located at 915 Merrimon Avenue. The project proposes to renovate the existing grocery store. The property owner is Ingles Markets, Inc. and the contact is Preston Kendall. The property is identified in the Buncombe County Tax records as PIN 9740-43-5284. Planner coordinating review – Nathan Pennington.**

Interim Plan Review Coordinator/Technical Review Manager Nathan Pennington oriented the Commission to the site and said that the applicant is requesting a review of site plans to renovate the existing Ingles grocery store. The value of this renovation combined with a recently approved Gas Express fuel canopy in front of the store constitutes a substantial improvement, and elevates this project to a Level II review pursuant to Section 7-5-9(b) of the UDO. The UDO provides that properties under the same ownership and/or developed by the same developer over a period of three years or less shall be considered to be one development and reviewed as such.

The project site consists of 6.16 acres parcel located at 915 and 951 Merrimon Avenue. The site is zoned Highway Business (HB) and surrounded by office uses to the north zoned HB, religious uses and residences to the east zoned RM-8, a veterinarian clinic and other medical offices to the south zoned CB-I separated by Beaverdam Road, and a shopping center and other commercial uses to the west separated by Merrimon Avenue.

The applicant is proposing to renovate the interior of the existing grocery store, upgrade the exterior entrances and facades, reconfigure a portion of the parking lot and add landscaping dispersed throughout interior and perimeter islands.

Access is (and will remain) from three existing driveway locations. One entrance is provided along Beaverdam Road and two entrances provide direct access to Merrimon Avenue.

There are sidewalks existing along Merrimon Avenue and a portion of Beaverdam Road east from the Merrimon Avenue intersection to the existing driveway access point. A fee-in-lieu of sidewalk construction will be paid for the remaining portion along Beaverdam Road from the driveway access point to the easternmost Ingles property line. Sidewalk was recently constructed on the opposite side of Beaverdam Road as part of a City of Asheville project and extends east to the intersection of Dover Street.

Plans indicate a total of 254 existing spaces and this amount is well within the threshold for minimum and maximum parking requirements.

Alternative compliance was previously approved (during the Level I review of the Gas Express fuel canopy) by the Tree Commission for reductions to parking lot island size, omitting an internal, centralized pedestrian island, and the reduction of one perimeter island to break up continuous parking space runs of greater than 14 spaces. Street trees are required for the remaining road frontage along Beaverdam Road, and dependent on the spacing of existing trees, alternative compliance may be needed to satisfy this standard.

The project was reviewed by the Technical Review Committee on March 18, 2013, and recommended for approval with conditions. This proposal either meets all technical standards as required by the City or appears to have the ability to comply through minor revisions and clarifications. Based on this evaluation, staff recommends approval of the site plan and proposed development subject to these conditions.

Vice-Chairman Goldstein initiated discussion regarding the fee-in-lieu of sidewalk construction for the remaining portion along Beaverdam Road from the driveway access point to the easternmost Ingles property line, noting there is a crosswalk at the intersection of Beaverdam Road and Merrimon Avenue. Commissioners felt it was important to contact the N.C. Dept. of Transportation to add a crosswalk at the intersection of Beaverdam Road and Temple Avenue for residents to cross Beaverdam Road in order to access the sidewalk on the east side of Beaverdam Road and also for the dense neighborhood to safely cross the road to get to the grocery store.

In response to Ms. Shriner, Mr. John Cox, said that they have moved all the bike parking near the entrance to the grocery store.

Mr. Preston Kendall, representing Ingles, was present to respond to any questions and hoped for a favorable approval.

Mr. Minicozzi noted a conflict in the UDO with regard to non-conforming lighting. The provisions of outdoor lighting differ from the beginning of Article XI, which seems to indicate that substantial improvements trigger full compliance with all of the provisions of Article XI. He felt the lighting standards need to be addressed by either complying with the current lighting standards or going to the Board of Adjustment.

Vice-Chairman Goldstein opened the public hearing at 5:55 p.m. and when no one spoke, he then closed it at 5:55 p.m.

In response to Vice-Chairman Goldstein on whether the Commission can place conditions on the project, Assistant City Attorney Jannice Ashley said that the Commission cannot condition their approval since this is only a Level II review.

In response to Ms. Carter, the City's Traffic Engineer Jeff Moore said that he will write to request the N.C. Dept. of Transportation requesting them to install a crosswalk at the intersection of Beaverdam Road and Temple Avenue. The developer would pay for the costs.

Ms. Shriner said that if the N.C. Dept. of Transportation would not authorize the installation of the crosswalk at the intersection of Beaverdam Road and Temple Avenue, then we could ask that the crosswalk at the intersection of Merrimon Avenue and Beaverdam be more pedestrian friendly.

Regarding compliance with the lighting standards, Mr. Pennington said that staff will review the conflicting provisions.

Based on the above findings and the analysis provided in the report, Vice-Chairman Goldstein moved to recommend approval of the project identified at Ingles Markets #3 located at 915 Merrimon Avenue to renovate the existing grocery store, subject to the conditions outlined by the Technical Review Commission. This motion was seconded by Mr. Edmonds and carried unanimously by a 5-0 vote.

- (3) Review of a Level III site plan for the project identified as Palisades of Asheville located at Mills Gap Road. The project proposes construction of a 224 unit apartment complex. The property owner is Southwood Realty Company and the contact is G. Thomas Jones, III. The property is identified in the Buncombe County Tax records as PIN 9655-25-6771. Planner coordinating review – Jessica Bernstein.**

Urban Planner Jessica Bernstein oriented the Commission to the site location and said that this is a review of a Level III site plan for the project identified as Palisades of Asheville, located at Mills Gap Road, for the construction of a 224 unit apartment complex.

She said the applicant is requesting review of site plans for the construction of a 224-unit multi-family apartment complex. This project is considered a Level III review pursuant to Section 7-5-9(a) of the UDO which designates review for residential projects with more than 50 units. Level III projects are reviewed as Conditional Use Permits in the Commercial Industrial District.

The site consists of a 14-acre parcel located on Mills Gap Road, between Hendersonville and Sweeten Creek Roads in South Asheville. The parcel is zoned Commercial Industrial (CI) and is currently vacant. The site is bordered by the Norfolk-Southern Railroad to the east; Community Business II (CBII) and CI-zoned parcels to the west (Earth Fare and retail shopping); Gerber Road and CBII / CI zoning to the north (Gerber Village) and Highway Business zoning to the south (retail uses).

The proposal is to develop a multi-family apartment complex with a total of 224 units. Plans propose a mix of 1-bedroom (72 units), 2-bedroom (108 units) and 3-bedroom (44 units) configurations. There are 10 residential buildings on the site, with a maximum building height of 36 feet. Nine of the ten residential buildings are three-stories and one is two levels. Additional structures proposed include a single-story clubhouse building located at the entrance to the development and three 1-story garages within the site.

Vehicles will access the site from two driveway cuts, both off of Mills Gap Road, on either side of the clubhouse. There is also an interior connection through the western boundary of the site with a deeded easement, into the adjacent commercial development. The applicant is adding a deceleration lane into the site from Mills Gap Road, heading west (right turn in).

As proposed, 26 foot wide two-way private drives circle and bisect the development and include parking on both sides. There are a total of 408 parking spaces (not including spaces within the covered garages). This parking count includes 13 HC-accessible spaces dispersed throughout the site and a small 20 space parking area on pervious pavers. Also, 22 bike parking spaces are distributed among the buildings.

A six-foot sidewalk is provided along the frontage of the property (Mills Gap Road) as well as pedestrian pathways (five feet wide) into and throughout the site.

Landscaping is required for this project and includes street trees, parking lot landscaping, building impact landscaping and tree save area. The applicant is proposing to preserve existing vegetation around the north and eastern perimeters of the site and to apply those as credits for some of the required landscaping.

Fifteen percent of the total lot area is required to be dedicated as open space, which would be 2.1 acres for this site. More than the minimum is provided, with 3.6 acres shown on the plans.

This proposal was approved with conditions by the Technical Review Committee on March 18, 2013. The primary concern discussed pertains to providing an additional emergency access point, other than the entrances from Mill Gap Road. The existing interior access to the Earth Fare shopping center would suffice if an easement was dedicated. An alternative option would be an easement at the existing driveway (not shown to continue on site plans) through the adjacent property to Gerber Road. The applicant has provided information that an easement exists at that drive connection to the Earth Fare shopping center. Community concern has been expressed about the increased traffic on Mills Gap Road.

City Council must take formal action as set forth in Section 7-5-5(e)(3) of the Unified Development Ordinance (UDO), and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the public hearing or otherwise appearing in the record of this case pursuant to Section 7-16-2(c). Staff's review indicates that all seven standards are met as proposed in the site plan.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.**

The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the *UDO*, the *Standards and Specifications Manual*, the *North Carolina Building Code* and other applicable laws and standards that protect the public health and safety.

2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

This site has been previously graded through its past use and has rubble from demolitions of past buildings as well as fill dirt in areas across the acreage. The subject property is mostly flat with areas of existing vegetation and grades climbing 15-30 feet at the north and northeast edges. The proposed development of the land is compatible with these features in that the buildings and parking areas are focused in the center of the site and those steeper areas around the perimeter incorporate and retain landscaping materials.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

The proposed use and development of the land is not expected to injure the value of abutting property. The residential use should complement the commercial activity along Hendersonville Road, which is within a walkable distance and will be an amenity to the residents with many shops and restaurants.

4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

While there are numerous residential developments existing in the general proximity (west of Hendersonville Road and east of Sweeten Creek Road), the immediate area surrounding this site is primarily commercial. However, as mentioned in the "Recent Zoning Actions" section of this report, there is a similarly-sized residential project approved for development across Gerber Road to the north. The multi-building, multi-family site design is appropriate for this type of location off of a high-volume corridor.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

Elements of the project align with the City's goals and objectives including siting development in an infill location, proposing a density that supports transit and offering rentals as a "workforce" rate.

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The site is located in an area supported by transit (S3) and accessible by vehicle. Adequate water supply, police protection, waste disposal and similar facilities are verified during the TRC review process. Associated infrastructure improvements will enhance multi-modal access, emergency protection, waste disposal and water supply.

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

Based on the results of a Traffic Impact Study, performed by Mattern and Craig Engineering, this project should not cause an undue burden on the surrounding transportation infrastructure. The project includes a deceleration lane which was recommended by the TIS.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? Proposes a density that supports transit (S3 line runs down Hendersonville Road) and is walkable to the bus line (within a tenth of a mile).
- ? Project location is walkable to commercial retail uses that will be supported by the residents
- ? Existing vegetation around the perimeter of the site will be preserved.
- ? Project incorporates pervious pavers into one of the parking areas.

Con:

- ? Applicant does not propose to dedicate any units for affordable housing.

Staff recommends approval of the project as shown on submitted site plans as it appears to comply with the City's goals and objectives.

In response to Ms. Carter, Ms. Bernstein said that this is the maximum density they can get on the site.

There was discussion, initiated by Ms. Carter, regarding workforce vs. affordable housing. Ms. Bernstein said their workforce rents are slightly above the affordable housing rents.

Ms. Shriner wondered if after the senior housing project across Gerber Road builds out, if they would they access Mills Gap Road. Ms. Bernstein said they would not - they would enter and access onto Gerber Road; whereas this property would access onto Mills Gap Road. This project also has a deeded easement through the Earth Fare shopping center.

In response to Ms. Shriner, the City's Traffic Engineer Jeff Moore said that a Traffic Impact Study was performed. He has reviewed it and agrees with the conclusions. The signals will continue to operate at an acceptable level. Mills Gap Road is a N.C. Dept. of Transportation road and they will review this for a driveway permit.

The Vice-President of Southwood Reality Company, applicant, explained how this is a family owned company. They are builders, owners and managers of all their properties in 70 communities. They are based in Gastonia, North Carolina. They currently have five projects in various stages of construction. Their green building features include Energy Star appliances, a higher insulation requirement, sub-meter units which will save up to 20% of water, and this will be their first project with permeable pavement. He said all their projects are market-rate projects.

Vice-Chairman Goldstein opened the public hearing at 6:15 p.m. and when no one spoke, he closed the public hearing at 6:15 p.m.

In response to Ms. Shriner, the applicant said that each of the garages is a separate rental. He said that once started, the build out would be 9-10 months and they do not start to rent until after they receive the Certificate of Occupancy.

When Ms. Carter asked if they have any projects in Buncombe County, the applicant replied no, but they have two projects in Hendersonville.

Upon inquiry of Mr. Minicozzi, the applicant said that they have looked into HUD financing; however, it costs them more to build the project on the front end and they have decided

to use the same financing method they have always used. They provide adequate housing for a reasonable price on all their units.

Even though Ms. Carter wished the project had more green building standards and affordable units, she could still support the project, noting that it is very walkable project.

When Vice-Chairman Goldstein asked if the applicant might want to apply for incentives for higher density in exchange for affordable housing, the applicant said that they prefer to stay in 14-17 units per acre.

In response to Ms. Shriner regarding workforce vs. market-rate housing, Ms. Bernstein said that the City's affordable standard (80% of AMI) for a 1-bedroom is \$720 and this project range is \$800-\$1200; the 2-bedroom is \$780 and this project range is \$900-\$1100; and the 3-bedroom is \$1050 and this project range is \$1000 to \$1400.

Mr. Minicozzi felt we need to be sensitive about converting Commercial Industrial land to residential. Planning & Development Director Judy Daniel said that as we study the zoning maps, that will be studied as well.

Based on the above findings and the analysis provided in the report, Vice-Chairman Goldstein moved to recommend approval of the proposed Master Plan for the project identified as Palisades of Asheville, located at Mills Gap Road, to construct a 224 unit apartment complex, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; and (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards. This motion was seconded by Ms. Shriner and carried unanimously by a 5-0 vote.

Other Business

Vice-Chairman Goldstein announced the next meeting on May 1, 2013, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

After discussion, it was the consensus of the Commission to not hold a mid-month May meeting due to numerous conflicts by Commission members. Because the meeting was to review the zoning maps at that meeting, Mr. Minicozzi offered to meet with Ms. Carter to review the findings before presenting them to the full Commission. It was the consensus of the Commission that the zoning map briefing be held at the end of the May 1 formal meeting.

In response to Mr. Minicozzi from retreat follow-up, Ms. Daniel said that she will be arranging a representative of the N.C. Dept. of Transportation and a representative of the Sustainable Advisory Committee on Energy & the Environment to meet with the Commission.

Adjournment

At 6:38 p.m., Vice-Chairman Goldstein adjourned the meeting.